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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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Legislative Update

Editor's Note

June 4 and adjournment approach quickly now (at least June 4 does), and this is an appropriate time for the *Legislative Update* to take stock of the passing session, and to acknowledge the invaluable assistance received during this year.

The purpose of *Legislative Update* is to provide members of the South Carolina House of Representatives with timely, accurate and unbiased information on the issues of the day. This information is designed to help them serve their constituents better, whether in debate on the floor, in responding to questions on legislation, in writing speeches or newsletters, or in any other appropriate fashion.

The *Legislative Update* is produced by the House Research Office, but it is possible only because of the help of so many others. The staff members of the House committees have provided information on the literally thousands of bills and hundreds of issues which arise during a session, and they have shared their knowledge freely and graciously. A sincere thank you is extended to them, one and all.

The staff persons of the Joint Committees, Senate Committees, and various state agencies have also responded with quick, professional ability to cries for help from the Research Office. Sincere thanks are owed to all of them.

Special thanks are given to the outstanding professionals of the State Library, who are able to translate garbled requests into intelligent information.

And finally, and without doubt most importantly, thanks are due to the members of the House of Representatives, who have helped make the *Legislative Update* more useful by suggesting topics for research, making comments for additional features, and by providing data for publication. The *Update* is here to serve you. I hope it has been helpful this session, and will continue to be so in sessions to come.

Michael Witkoski, Editor
House Research Office

The Week in the House

The end is nigh

As the 1987 legislative year rapidly approached its end, the House of Representatives debated, amended and passed the Senate bill relating to automobile insurance, set a number of measures for special order to consider for the remainder of this session, honored South Carolina statesman William Jennings Bryan Dorn, and waited for its conferees to conclude with the Senate on the differences in the General Appropriation Bill. Although the end of the session is near, the work of the House continues at a steady, business-like pace.

Automobile insurance: your plan or mine?

The major debate in the House during the legislative week of May 26 through 29 was the proposed automobile insurance package, S.593. Supporters of this measure said that it was the first step, not the final answer, to the problem of high insurance premiums for South Carolina drivers. They pointed out that the bill would impose an additional cost for insurance on bad drivers, and thus reduce the amount of increase for insurance premiums for the drivers in the state with good driving records.

Opponents, on the other hand, maintained that the bill would not reduce any rates, including the rates of good drivers. Some even feared that the net result of the legislation would be an increase in several categories of drivers, leading to higher rates.

The bill was substantially amended in the House—no fewer than 71 amendments were considered, and many of them were adopted. The supporters of the measure were behind most of these amendments, proposing them in order to tighten up the legislation and give South Carolina drivers a better chance at affordable auto insurance rates.

The amendment which gained the most attention in the press and among the public was one which would have substantially revised the bill by allowing insurance companies to set their own classifications and rates, rather than having these determined by the state Insurance Commission. Proponents of the amendment noted that over 40 other states have this variation on automobile insurance law, and argued that this approach would have the best chance of actually reducing premiums for SC motorists. After lengthy debate, however, the House declined to make such a sweeping change in the state's insurance law this session.

The General Appropriation bill

In Alfred, Lord Tennyson's poem *In Memoriam* we can read of "one far-off divine event, to which the whole creation moves." During the legislative session that would appear to be the final passage of the General Appropriation bill.

That event moved a bit closer during the week of the 26th, as the House received the Senate version of the bill on Tuesday, promptly amended it to the original (House) version, and sent it packing back to the other chamber. Predictably the Senate insisted upon its amendments and a conference committee began its long, difficult deliberations. By the weekend it appeared that a compromise was ready to submit to both bodies of the General Assembly—and that the reserve fund would remain intact.

Crime does not pay

The House acted on several bills relating to crime in South Carolina, hoping to make it easier to prosecute criminals, and make them pay for their misdeeds.

The bill that would amend the state constitution to create a state-wide grand jury (S.577, Sen. Hayes) was passed during the week. The measure, which was the brain child of Attorney General Travis Medlock and which has gained wide-spread support in both House and Senate, would set up grand juries to deal with drug dealing and pornography cases that involve more than one county.

This bill was enrolled for ratification on Wednesday the 27th.

A second measure that is necessary for the grand jury operation is S.734 (Senate Judiciary Committee) which establishes the method by which the multi-county grand jury is created, how it operates, its powers and duties, and its term of sitting. After substantial amendments by the House, this bill was also passed on Tuesday and ordered to third reading.

Also during the week, the House passed H.2544 (Rep. Toal) on Tuesday and sent it over to the Senate. This bill deals with the Victim's Compensation Fund operated by the state, and increases fines assessed in criminal cases to supply money to that fund.

This bill was amended on Wednesday, May 27, and returned to the Senate by the House.

Early adjournment postponed

Recently the House considered H.2549, which would set an early adjournment date for the state General Assembly—it would move the

time for departure from the first Thursday in June to the second Thursday in May. Adjustments would also be made in the forecasts of financial futures by the Board of Economic Advisors, in order to speed up the budget writing process.

Debate over the measure focused on the need for enough time to allow the General Assembly to perform its function. Would chopping off a couple of weeks prevent proper consideration of bills, or could the Legislature move briskly yet thoroughly through its agenda? House members seemed undecided on the matter, so on Thursday the bill was continued until next session, when debate will begin anew.

Other actions

The House sent over H.2607 (Rep. Elliott) to the Senate on Wednesday. This bill strikes the sales tax from the "meals on wheels" program, which delivers dinners to the elderly and the disabled in their homes.

Also approved by the House was S.710 (Sen. Lourie) which requires law enforcement agencies, including SLED, to investigate traffic accidents which cause the death of persons under 21 years for evidence of alcohol being used. If evidence is found, the agencies would make an effort to determine who was responsible for providing the underage persons with alcohol. The bill was ordered enrolled on Thursday.

The issue of members of fire departments being "dual officeholders" bobbed along during this session, with several bills being filed to remove them from that category. The issue was resolved with the passage of S.604 (Sen. Pope) which provides that "no member of a fire department is considered to be a dual officeholder, by virtue of serving as a member, for the purposes of the constitution." The House agreed to Senate amendments on the bill on Wednesday and ordered the bill enrolled.

Tough new littering penalties were also agreed to between the House and Senate. On Thursday the Conference Committee report on S.119 was adopted, setting the minimum fine for littering at \$100 for the first offense, and requiring courts to order five hours of litter-gathering labor (or other public service) for offenders. A second offense will bring a minimum of 20 hours of community service. The bill gives magistrates the jurisdiction over such violations.

Joint assembly honors William Jennings Bryan Dorn

On Tuesday, May 26, the House and Senate met in a joint assembly for the unveiling of a portrait of William Jennings Bryan Dorn, long-time Congressman from South Carolina. Dorn, whose career spans decades and touched thousands, was one of the state's most influential and capable representatives in our nation's capitol.

The ceremonies on Tuesday were attended by a great many citizens and dignitaries. Former Governors McNair and Riley were among the speakers. Introducing the speakers and starting off the program was Rep. Jennings McAbee, who probably summed up Dorn's contributions best when he said that in addition to his work for the nation and the state, "Bryan Dorn has been a friend to many of you individually, businesses of this state, other political leaders and to me."

Set For Special Order

Looking ahead towards imminent adjournment, the House Rules Committee on Thursday recommended a number of bills for special order consideration by the body. Among the more notable measures lined up for debate by the House are the following.

H.2361, tinted glass: This bill would prohibit persons from adding darkening or tinting to automobile glass beyond a certain, specified point.

H.2450, licensure of social workers: This bill would revise the sections of the Code dealing with social workers in South Carolina, changing the composition of the Board of Social Worker Registration and setting up certain standards for social workers to meet before getting a license.

The Board would be composed of seven members (it's now six), appointed by the Governor for terms of four years. Members could serve no more than two consecutive terms. The purpose of the board would be: 1) to determine which applicants are eligible to be social workers (including giving examinations); 2) hear complaints; 3) promulgate necessary regulations.

To become a licensed baccalaureat social worker a person would have to 1) have a degree in social work or social welfare or a degree in sociology or psychology and 2) pass an exam administered by the board. Licensed master social workers would have to have a MA or PhD degree and pass the exam. An independent social worker would have to possess an MA or PhD degree, have post-graduate social work education, and two years of professionally supervised experience, as well as passing an exam.

H.2862, sheriff's qualifications: This proposes an amendment to the state constitution, permitting the General Assembly to provide by law for the qualifications of sheriffs.

S.424, insurance reports: A bill that would set forth the information which insurance companies would have to provide the state Insurance Commission on an annual basis. It would include number of premiums written, claims filed, dollar amounts paid out, reserves of the company, and so forth.

S.25, implied consent for DUI tests: This would permit testing for driving under the influence of drugs or alcohol to include blood and urine tests to be required at the discretion of the arresting officer. Procedures are provided for the method of test, use of results, and so forth.

S.499, health insurance pools: This measure proposes setting up the South Carolina Health Insurance Pool, composed of all companies authorized to issue health insurance in the state. The pool will be guided by a seven-member Board of Directors, selected by participating insurance companies.

The pool will provide major health insurance coverage to persons who are unable to obtain or keep such insurance from other sources. Persons who have been residents of the state for at least six months, and their newborn children would be eligible under set conditions. These would include such instances as: being unable to get insurance coverage because of health reasons; being able to get insurance only with reduced coverage; being able to get insurance only at a higher rate; or having had their health insurance involuntarily terminated.

Some people would not be eligible, such as those eligible for health care benefits from medicaid or medicare, persons who have already received \$500,000 in benefits from the pool, inmates of public institutions and persons eligible for public programs, people who are not residents of South Carolina, and persons diagnosed with AIDS.

S.347, automobile transportation units: Presently state law forbids vehicles on our highways from exceeding 13 feet 6 inches in height. This bill would exempt automobile transporters and trucks carrying wooden trusses, which would be allowed up to 14 feet high. Such vehicles would be responsible for any injuries or damages they caused.

S.588, prison industries: This bill would make changes in the employment of convicts in prison industries. Specifically, the legislation would place inmates "in a realistic working and training environment." This would mean giving them the opportunity to acquire usable, marketable skills, and paying them wages high enough to make restitution to their victims and help support themselves and their families.

Participation would have to be voluntary, and correction officials would have to make sure that no currently employed, non-prison workers would be put out of their jobs. Between 5 to 25

percent of the ages earned by the inmates would go to programs set up for victims' assistance.

The topic of prison industries has aroused interest among legislators and state government officials in recent years. The *Legislative Update* recently published a two-part series on this very topic. These research reports go into detail on the requirements set up by the federal government for programs such as the one proposed in S.588, and other aspects of prison industry operations.

The reports on prison industries can be found in *Legislative Updates* numbers 8 (March 3) and 12 (March 31).

Legislation Introduced

Labor and Commerce

Electric co-op rates (H.3193, Rep. Klapman). This bill would have electric cooperatives in South Carolina subject to review by the Public Service Commission before they can raise their rates—just the same as the electric utilities must go before the PSC now for rate hike approval.

Highways

Up in alms (H.3195, Rep. J. Bradley). Municipalities can presently grant permits to rescue squads, fire departments, and charitable groups to solicit funds from motorists. This bill would extend that authority to the governing bodies of counties, which could then allow such groups to solicit money along highways and roads in the unincorporated sections of counties.

The bill further provides that municipalities and counties are immune from any injuries or harm that happens to persons soliciting funds, at least as provided in the Tort Claims Act.

Finally, the bill states that no person is supposed to be soliciting funds along the highways without proper authorization.

Insurance

Retired employees and health insurance coverage (H.3181, Rep. John Bradley). A measure that would allow employees aged 55 and older who are retiring to retain their health insurance coverage. The employee would need to have been covered by the plan for ten

years (or for the life of the plan with the particular company, if the plan is less than ten years old). Upon retirement, the employee would be eligible to stay within the plan, at the same coverage, by assuming his own and the employer's share of the cost. The employee would have to exercise this option of remaining with the plan within thirty days.

Charges investigated promptly (H.3194, Rep. J. Bradley). Charges of unfair or deceptive practices in the insurance business in South Carolina are investigated by the Insurance Commissioner. This bill would set a time frame in which those charges must be investigated. After the Commissioner receives a complaint, he would have sixty days to issue one of the following: 1) a written finding that the complaint is without merit; 2) a written finding that a settlement has been reached, agreeable to both parties; 3) a statement of charges and notice of hearing on the matter.

Judiciary

Support for amateur athletics (H.3180, Rep. J. Bradley). This bill would provide immunity for civil actions for volunteer coaches, managers, umpires and referees and their assistants who participate in the athletic programs of non-profit organizations. The immunity would not cover actions of gross negligence or those done for intentional harm.

The High Cost of Highways

Background

Earlier this session the House passed a measure that would raise the gasoline tax in South Carolina by five cents. The additional funds would be used to repair existing roads and highways, and to expand the state's highway system.

The need to maintain the roads already in place, and pave new ones, is not limited to South Carolina. Nor is our state unique in finding it difficult to determine what is the best method to pay for the highway system. For many states, these difficulties have meant postponing new projects and keeping repairs to the allowable minimum. Beyond a certain point, however, neither additional roads nor extensive renovations can be postponed. What then? What are other states doing with their highways, and how are they paying for it?

Maryland gas tax up by five cents

The Maryland General Assembly has approved an increase of five cents in the state's gasoline tax. This makes Maryland's gas tax 18.5 cents per gallon. Also increased: registration fees. Most will go up from \$20 to \$30 per year; larger car owners will see fees ski to \$45, up from \$30.

A five-year transportation plan would be the beneficiary of the new money. The plan would also get funding from other state revenues, federal funds (ha!) and the sale of bonds. Total increase to Maryland Transportation Department—\$1.1 billion, according to *From the State Capitals*. Local governments would receive an extra \$200 million.

Five cents here, five cents there: Kansas debates nickle

Talk in Kansas is on a \$750 million highway improvement plan, to be funded by a five cent increase in the gasoline tax. The new governor of Kansas, Mike Hayden, wants a special commission to look into the matter before any action is taken.

Supporters of the tax increase say upping the current 11 cents per gallon to 16 cents per gallon would bring in around \$71.5 million each year. Four cents of the increase would be ear-marked for underwriting construction bond issues; one penny would be sent to cities and counties for their road programs.

Five more cents in New Jersey?

An additional five cents gasoline tax revenue is being considered in New Jersey, and a group called the Coalition for Transportation Trust Fund Renewal has formed to support the move. Although the Coalition's moniker rolls less-than-trippingly off the tongue, it appears to have considerable clout: members include the state Asphalt Paving Association, the Business and Industry Association, and the State Troopers Fraternal Association.

The Coalition says the money would bring in \$200 million a year that is needed to replenish the state's transportation trust fund. Without the new funds the fund could run dry by the end of this year. The Coalition's advertising campaign has pointed out that New Jersey has one of the nation's lowest gasoline taxes, and that the increase would cost only about ten cents a day for Garden State motorists.

Two cents' worth in Wisconsin

The governor of Wisconsin wants a two cents a gallon increase in his state's gasoline taxes, and \$10 added to the auto license plate fee. Currently residents of the Badger State pay 17.5 cents per gallon tax on their gasoline, and \$25 for their registration.

The increases would pay for improvements on 4,000 miles of unsafe streets and local roads; increase from 390 to 450 miles per year of state highways improved and repaired; and continue subsidies to mass transit systems in the state.

New York: "No" to higher gas tax, "yes" to other revenues

In New York, the governor has ruled out an six cents per gallon increase in the state's gasoline tax, but is willing to use a combination of other taxes and bond issues to raise an estimated \$1 billion a year for statewide road and bridge improvements.

Governor Mario Cuomo's Roadway Improvement Committee recommended a number of methods to raise the money, which it would put into two dedicated funds. The first fund would be the State Highway and Bridge Infrastructure Fund; its purpose would be to repair and maintain existing highway facilities. It would get \$555 million per year from various sources, including:

- a three cent increase in New York's cigarette tax (now set at 21 cents per pack)
- a 25 percent surcharge on the state excise tax on alcohol
- a one percent fee placed on motor vehicle insurance premiums
- a fifty percent increase in the state truck mileage tax
- a five percent tax on automobile parts and tires

The second fund would be the Traffic Capacity and Local Bridge Fund; its purpose would be to expand the road system in New York state. A new category of personal property tax would be created by combining the state's motor vehicle registration fee and the sales tax on automobiles; some estimate this could raise up to \$150 million a year, which could be used to back bonds issued by the state.

Gas tax increase voted by Missouri

Residents of Missouri went to the polls recently and approved a referendum on increasing the state's gasoline tax from seven cents/gallon to 11 cents. The hike went into effect on June 1. It is expected to raise \$133 million annually for the state. (It will receive some help from a ten percent increase in the registration fees for large trucks.)

The money will be spent almost totally on infrastructure construction and maintenance. The measure approved by the voters placed a limit on the amount of fuel tax money that can be used for the highway patrol and other highway-related agencies. A number of major state highways will be widened or completed, and several interstate interchanges will be built.

The tax increase was supported by a group called "Missourians for Safe Roads and Bridges," another group with a less-than-catchy title, but plenty of effort. Direct mailing and telephone campaigns helped, as did the support of the Governor and leaders in the Missouri General Assembly. The last time a tax increase was put before the voters (1982) it was roundly defeated.

Counties to get additional tax powers in Colorado

The Colorado House and Senate have approved a bill that would permit local counties to increase sales taxes for road improvements—if the voters in the county agree. Only counties with a population of 100,000 or more could seek the sales tax hike, and the money would have to be spent in unincorporated areas of the county.

Chief beneficiary would be Jefferson County, which includes Denver. Officials there already are talking about an increase in the sales tax from 4.1 to 4.6 cents, which they estimate would bring in some \$40 million in revenues over the next 20 years. The money would be spent on projects that would relieve the traffic congestion around the fringes of Denver.

